

FROM THE CAPITAL TO THE CLASSROOM

Year

of the No Child Left Behind Act

Center on Education Policy
MARCH 2006

DRAFT

Table of Contents

Summary and Recommendations	vii
Broad Conclusions.....	vii
Major Findings about Specific Aspects of NCLB	ix
Recommendations	xiii
Information Sources and Abbreviations	xvii
Information Sources for This Report	xvii
Definitions for District Survey	xviii
Abbreviations Used in the Report	xviii
Chapter 1: Broad Effects	1
Key Findings	1
Introduction	2
Expanded Impact of NCLB in Year 4	2
Attitudes about NCLB	4
Effects of NCLB and Implementation Challenges.....	7
Funding and Cost Issues	13
State and Local Capacity to Implement NCLB	20
Helpfulness and Flexibility of Federal Administration	23
References	33
Chapter 2: Achievement	35
Key Findings	35
Introduction	36
Student Achievement Gaps	45
References	53
Chapter 3: Accountability	55
Key Findings	55
Introduction	55
Adequate Yearly Progress and Improvement.....	56
Federal and State Policy Changes	64
New Flexibility on Growth Models	78
ED Review of State Testing Programs	81
References	86

Chapter 4: Strategies to Raise Achievement and Improve Schools	89
Key Findings	89
Introduction	90
Impact of Federal, State, and Local Policies	90
Curricular Changes and Additional Strategies for Increasing Student Achievement.....	95
References.....	116
Chapter 5: Public School Choice	117
Key Findings	117
Introduction	118
Numbers Eligible for and Participating in NCLB Choice	118
Factors Affecting NCLB Choice.....	121
Challenges to NCLB Choice.....	125
References	130
Chapter 6: Supplemental Educational Services	131
Key Findings.....	131
Introduction.....	131
Eligibility for and Participation in Supplemental Services	132
Providers of Supplemental Services	134
Challenges	142
Impact and Benefits of SES	148
Possible Improvements	148
Allow Effective District Providers to Continue	149
Support and Increase Monitoring of Supplemental Educational Services	149
References.....	150
Chapter 7: Teacher and Paraprofessional Quality.....	151
Key Findings.....	151
Introduction	151
Proportion and Distribution of Highly Qualified Teachers	152
ED Grants Some Flexibility and Provides Technical Assistance	160
NCLB's Impact on the Quality of Teaching	162
Progress in Data Systems for Tracking Teacher Qualifications.....	163
State and District Strategies for Ensuring Highly Qualified Teachers	165
NCLB Paraprofessional Requirements	172
References.....	176
Chapter 8: English Language Learners	177
Key Findings	177
Introduction.....	177
The ELL Population and NCLB.....	178
Positive Effects and Major Challenges of NCLB Regarding ELLs.....	179
Progress in Implementing Title III Requirements	183
Support and Resources	188
References	194

Appendix A: Data Sources and Methods	195
Overview of Data Sources.....	195
Special Analyses Conducted by CEP	196
State Survey	198
School District Survey	198
District Case Studies	203
CEP Forums on the No Child Left Behind Act.....	204
 Credits and Acknowledgments	 207
Study Team	207
State Education Agency and School District Officials.....	207
Reviewers	212
Foundations	212

Summary and Recommendations

Broad Conclusions

The impact of the No Child Left Behind Act continued to broaden and deepen during 2005, the law's fourth year of implementation. NCLB affects a range of state and local decisions, both small and large—when and how students take tests, which textbook series districts adopt, which children receive extra attention and how they are grouped, how states and districts spend their own money, how teachers are trained, and where principals and teachers are assigned to work, to cite just some examples.

Since 2002, the Center on Education Policy, an independent nonprofit organization, has been studying federal, state, and local implementation of the No Child Left Behind Act. This is CEP's fourth annual report of the most comprehensive, long-term national study of the Act. This year our findings are based on a survey of all 50 states, a nationally representative survey of 299 school districts, case studies of 38 geographically diverse districts and 42 schools, six special analyses of critical NCLB issues, and three national forums.

Four broad conclusions about the impact of NCLB have emerged from our research this year.

IMPACT ON TEACHING AND LEARNING

First, teaching and learning are changing as a result of NCLB. Administrators and teachers have made a concerted effort to align curriculum and instruction with state academic standards and assessments. Principals and teachers are also making better use of test data to adjust their teaching to address students' individual and group needs. Many districts have become more prescriptive about what and how teachers are supposed to teach. Some districts encourage teachers to follow pacing guides that outline the material to be covered by different points in the school year, while others have hired instructional coaches to observe teachers teaching, demonstrate model lessons, and give teachers feedback on ways to improve.

Moreover, 71% of school districts reported that they have reduced instructional time in at least one other subject to make more time for reading and mathematics—the subjects tested for NCLB purposes. In some districts, struggling students receive double periods of reading or math or both—sometimes missing certain subjects altogether. Some districts view this extra time for reading and math as necessary to help low-achieving students catch up. Others pointed to negative effects, such as shortchanging students from learning important subjects, squelching creativity in teaching and learning, or diminishing activities that might keep children interested in school.

NCLB has also changed teaching by influencing what teachers must do to be considered well-qualified. Soon, almost all teachers of academic subjects will be highly qualified according to the Act's definition, which essentially means they have demonstrated knowledge in the subjects they teach by holding a degree in their subject, completing more coursework,

or other means. But most district officials we surveyed expressed skepticism that these teacher requirements are improving the quality of teaching.

IMPACT ON STUDENT ACHIEVEMENT

Second, scores on state tests are rising in a large majority of states and schools districts, according to the state and local officials we surveyed. Many states and districts cited the NCLB requirements for adequate yearly progress as an important factor in rising achievement, but far more credited school district policies and programs as important contributors to these gains.

Under NCLB, states and school districts report achievement primarily in terms of the percentage of students scoring at the proficient level or above on state tests. These percentages will rise if students are learning more, and evidence from our study suggests that increased learning accounts for some of the improvement in state test results. But many states have also taken advantage of additional flexibility from the U.S. Department of Education to make policy changes that may result in more students being counted as proficient. These changes include testing some students with disabilities against modified or alternate standards and counting passing scores from students who retake a test they previously failed. It's not clear to what extent state policy changes have contributed to rising percentages of students reaching proficiency.

To understand more clearly what's happened with student achievement since the implementation of NCLB, CEP will undertake a study over the next year of student achievement trends in several states. This study will look at evidence from a variety of sources and will be the centerpiece of our year 5 work on NCLB.

EFFECTS HOLDING STEADY

Third, the number of schools identified for improvement under the NCLB accountability provisions has remained fairly steady since last year, despite earlier predictions that these numbers would soar over time. These are not always the same schools; a modest proportion of schools tests out of improvement each year, while other new schools enter improvement. But overall, the percentage and number of schools in improvement have varied little. This is partly due to changes in federal and state rules for testing students and determining adequate yearly progress—changes that essentially have made it easier for districts and school to make AYP. Examples include using a statistical technique called confidence intervals that allows some schools to make AYP even if students fall well short of proficiency targets; using index systems to give credit for gains by lower-achieving students; and increasing the minimum number of students that must be in a subgroup in order for the subgroup's test scores to count for AYP.

The number of students affected by key NCLB accountability provisions has also stabilized. The percentage of all eligible students taking advantage of the NCLB school choice option to change schools remains at less than 2%, while the percentage participating in tutoring programs has hovered around 20% for the past two years.

GREATER IMPACT ON URBAN DISTRICTS

Fourth, although all school districts are affected by the Act, urban districts are increasingly experiencing the greatest effects. The majority (54%) of Title I schools identified for improvement nationwide are located in urban districts; this is disproportionate because only 27% of Title I schools are located in urban districts. Greater proportions of urban districts

than suburban or rural districts have been identified for district improvement. About 90% of the schools in restructuring, the last stage of NCLB's sanctions, are in urban districts.

The diversity found in urban districts is a major reason why NCLB is having a greater impact. Some urban districts in our case studies must make AYP for 6 to 10 subgroups of students, based on race/ethnicity, income, language background, or disability status, while some rural districts have to show progress for just two subgroups—white and low-income students. Increases in states' minimum subgroup sizes help smaller districts more than larger ones. Urban districts are also more affected by NCLB sanctions because of their size. They must demonstrate AYP for dozens of schools, while a small district may have just one school for each grade span. Furthermore, poverty affects achievement, and urban districts often have very high percentages of low-income students.

Our study did reveal some good news for urban districts. The proportion of districts that said they are on track to have all of their academic teachers highly qualified by the end of this school year was similarly high across urban, suburban, and rural districts. And for the first time this year, our data showed no significant difference in the percentage of high-minority districts and lower-minority districts reporting that all their teachers are highly qualified. Still, some urban districts participating in our case studies said they have trouble hiring and keeping highly qualified teachers.

In another bit of encouraging news, 85% of urban districts reported overall increases in student achievement—a proportion very similar to the percentage of suburban and rural districts reporting achievement gains. The reason why urban achievement can be rising while many urban schools are not making AYP is that urban schools typically had fewer students scoring at proficient levels when NCLB went into effect. So an urban school might post large gains in its percentage proficient but still fall short of AYP targets.

Major Findings about Specific Aspects of NCLB

In addition to reaching four broad conclusions, our study also arrived at several major findings about specific aspects of NCLB. This section briefly summarizes major findings that have not been discussed above in the broad conclusions. It also provides key data to support the broad conclusions. The findings that follow are presented in the order of the report's eight chapters. Readers are also encouraged to review the additional key findings that appear in bulleted form at the beginning of each chapter.

CHAPTER 1—BROAD EFFECTS

A consensus is emerging among educators about the positive and negative effects of the No Child Left Behind Act, as evidenced by the responses to our surveys and case studies. Universally acclaimed features of NCLB are its high learning expectations for all students and its focus on the performance of subgroups that have traditionally lagged behind. Other positive effects of NCLB include improved alignment between curriculum standards and instruction and better use of data to adjust teaching.

On the negative side, NCLB is placing greater burdens on states, districts, and schools without adequate federal reimbursement. States and districts lack both the funding and the staff capacity to carry out all of the demands of NCLB, according to our surveys. Some 80% of school districts said they had costs for NCLB that were not covered by federal funds. Thirty-three states reported that federal funds have been inadequate to assist all schools identified

for improvement, and less than half of the school districts said they have enough money to assist identified schools at least somewhat. In addition, 36 states told us they do not have enough staff to implement NCLB—a major concern because state agencies are the source that school districts most often turn to for help in implementing NCLB.

In several case study districts, interviewees told us that the constant pressure to raise test scores sometimes caused great stress for teachers and that the label of being in need of improvement was having a negative effect on morale in some schools.

Despite the additional flexibility granted by Secretary of Education Margaret Spellings, states and districts continue to see the law's accountability requirements as their greatest challenge by far in implementing NCLB. In particular, survey respondents raised concerns about how progress is judged for students with disabilities and English language learners, and several questioned their ability to bring 100% of students to proficiency by 2014.

CHAPTER 2—ACHIEVEMENT

A large majority (78%) of districts reported that student achievement improved from 2003-04 to 2004-05 on the state tests used for NCLB. States also reported gains: 35 states said achievement had improved in reading during this time, and 36 states said it had improved in math. Some national studies have found similar evidence of rising test scores, but the National Assessment of Educational Progress data show no gains in reading and small gains in math from 2002 to 2005. Our case studies revealed a more mixed and complex view of achievement than our surveys, with trends fluctuating by year or varying by grade to the point that it's difficult to say whether achievement is rising or falling.

Most of the states and districts we surveyed reported that state test score gaps between student subgroups had narrowed or stayed the same rather than widened. More than two-thirds of states said that achievement gaps between subgroups were narrowing or staying the same in math, and about four-fifths of states reported that gaps were narrowing or staying the same in reading. Similarly, more school districts said that gaps were narrowing or staying the same than said that gaps were widening. In our case studies, trends in student achievement gaps were less definitive. Several districts experienced variations by grade level and year that made it impossible to reach an overall conclusion about achievement gaps. Moreover, in some districts, African American or Latino students made great gains but the gaps did not narrow because white or Asian students made similar gains.

CHAPTER 3—ACCOUNTABILITY

According to CEP's school district survey, about 16% of all schools and 24% of all school districts did not make adequate yearly progress based on 2004-05 testing. For the 2005-06 school year, about 14% of Title I *schools*, or 6,748 schools, are in various stages of improvement, including corrective action and restructuring. Approximately 13% of school *districts* are in improvement.

Only a modest number of schools—about 3% nationwide—have moved into corrective action and restructuring, the later stages of NCLB reform that entail such actions as replacing staff, overhauling curriculum, or making governance changes. Just under 600 schools nationwide are in the advanced stage of restructuring, which involves changes that may range from replacing most of the staff to turning over the school to a private management firm.

CHAPTER 4—STRATEGIES TO RAISE ACHIEVEMENT AND IMPROVE SCHOOLS

Among the states reporting in our survey that student achievement has increased, about three-fourths rated district policies as “important” or “very important” causes of these increases, and most also rated state policies as important or very important. Mirroring the state views, 79% of the districts we surveyed rated their own policies as important or very important causes of increased student achievement, far more than those reporting that federal policies were important or very important. As for the influence of the No Child Left Behind Act, about half of district officials reported that the law’s AYP requirements were an important or very important contributor to higher student achievement—a view that was echoed by about two-thirds of the states with rising achievement. But NCLB choice and supplemental educational services have not been major influences on student achievement, according to our state and district surveys.

Of the districts surveyed, 60% had policies requiring teachers to devote a specific amount of time to reading and 50% had policies requiring a specific amount of time for math. Nearly all of the highest-poverty districts (97%) had policies specifying the amount of time to be spent on reading, compared with 55% of the lowest-poverty districts.

The strategies most often used by the largest number of states to improve student achievement in schools identified for improvement were making “special grants to districts to support school improvement efforts” (45 states) and “aligning curriculum and instruction with standards and assessment” (44 states). These were the same strategies that states reported to be moderately or very successful in raising student achievement. Among school districts, the most popular strategies to improve achievement in identified schools were using research to inform decisions about improvement strategies (used by 96% of districts), aligning curriculum and instruction with standards and assessments (96%), and increasing the use of student achievement data to inform instruction and other decisions (95%). These same strategies were reported to be moderately or very successful in raising student achievement by at least three-quarters of school districts.

CHAPTER 5—PUBLIC SCHOOL CHOICE

In 2005-06, 14% of school districts were required to offer public school choice under the No Child Left Behind Act, and 17% of the students in those districts were eligible to change schools. These proportions from the district survey have changed little since last year. Urban districts and larger districts had a higher percentage of schools required to offer choice than rural or smaller districts.

Very few students who are eligible for NCLB choice actually take advantage of it, however—just 1.6% of those eligible in 2005-06. This share has not changed significantly since 2002-03 when choice was first offered. Similarly, few students in our case study districts have taken advantage of NCLB choice; in some districts, no student has changed schools.

Although NCLB requires districts with schools in improvement to offer choice to students in identified schools, some districts cannot offer or are not offering choice. In 2005-06, 30% of these districts had schools—an average of two schools per district—that were supposed to offer choice but were unable to do so. At the same time, two schools per district, on average, were offering supplemental educational services in lieu of choice. Districts may be unable to offer choice if they have few or no other schools serving the right grades, if receiving schools are already crowded, or if other schools in the district are also in improvement. But on average, most districts offered students three choices of receiving schools.

District and school officials participating in our study also speculated that parents and students are not interested in changing schools. These officials cited long commutes, satisfaction with current schools, and a desire to participate in neighborhood schools as reasons why few eligible students transfer.

CHAPTER 6—SUPPLEMENTAL EDUCATIONAL SERVICES

In 2005-06, 12% of districts were required to offer supplemental educational (tutoring) services, and 15% of students in those districts were eligible for supplemental services. These percentages have changed little over the last four years according to our surveys. A larger proportion of urban districts (40%) had schools required to offer supplemental educational services than suburban districts (12%) or rural districts (9%). The percentage of all eligible students actually receiving supplemental services has been relatively small, just 20% in 2005-06, about the same as in the previous year. Still, more eligible students are using supplemental educational services than are using the NCLB choice option.

According to our district survey, the average number of supplemental service providers has grown dramatically, from an average of 4 providers in 2002-03 to 20 in 2004-05. States reported that as of August 2005 more than half of providers (54%) were for-profit entities, while 21% were nonprofit entities, and 9% were school districts. The percentage of urban districts that are approved providers has declined significantly, however, from 43% in the 2003-04 to 13% in 2005-06. A similar drop has occurred among suburban districts. This decline may be the result of some urban and suburban districts being identified for improvement and thus no longer being allowed to directly provide supplemental services except in special cases.

The greatest challenges to implementing supplemental services relate to monitoring the quality and effectiveness of supplemental services providers; 41 states and about half (51%) of school districts called this a moderate or serious challenge.

CHAPTER 7—TEACHER AND PARAPROFESSIONAL QUALITY

School districts are on their way to meeting the highly qualified teacher requirements of the No Child Left Behind Act, especially since the Secretary of Education has extended the deadline for another year for those making a good faith effort to comply. Of the districts we surveyed, 88% expected to meet the law's original deadline for all teachers of core academic subjects to be highly qualified by the end of this school year. Despite overall progress, states and districts report having difficulty in meeting the highly qualified requirements for some teachers, such as special education teachers, high school math and science teachers, or teachers in rural areas who teach multiple subjects.

Only 9% of state respondents and 8% of school districts said that they believed the NCLB teacher quality requirements have improved the quality of teaching to a great extent. Roughly a third of both states and districts said they believed the requirements have had some impact, but a sizeable share of districts (59%) reported that the requirements have had little or no impact.

Over 80% of school districts report that their Title I paraprofessionals will meet the NCLB qualifications requirement by the end of this school year. According to our case studies, most paraprofessionals who were not highly qualified have met the criteria by passing a competency test rather than getting a degree.

CHAPTER 8—ENGLISH LANGUAGE LEARNERS

States have made progress in implementing key provisions of Title III of the No Child Left Behind Act, the program to help English language learners attain proficiency in English. Forty-nine states have an English language assessment, and 38 said they have annual measurable achievement objectives (AMAOs) for English language learners. State AMAOs for Title III vary considerably. Many states have not established all three types of AMAOs required by the Act, and many AMAOs are vague about how progress or proficiency will be measured. Furthermore, districts have been slow in reporting data to districts showing their progress in meeting AMAOs.

Many of the states and districts we surveyed identified the state requirement to develop or adopt an English language assessment as both a positive effect of NCLB and one of its greatest implementation challenges. On the positive side, the assessment provides new, useful information about students' language development. On the negative side, implementing the assessment consumes instructional time and resources.

Forty-six states have developed programs, processes, or technical assistance systems to help districts and schools address the language proficiency needs of English language learners. Professional development for teachers and technology-based assistance were among the most common types of support. Most large school districts have also developed interventions or technical assistance programs intended specifically to improve instruction for ELLs, but these programs are far less common in small school districts.

Recommendations

The No Child Left Behind Act is clearly having an effect on American schools, as evidence from our study illustrates, but there is a need to improve its administration and funding. Based on input from the hundreds of state officials and local educators who participated in our study and on the knowledge we've gained through our multiyear analysis of the Act, CEP has developed eight recommendations to help NCLB work better.

Last year, in our report on year 3 of NCLB, we also made eight recommendations for improvement. The U.S. Department of Education took action, at least partially, on four of these suggestions—modifying the rules for assessing students with disabilities, allowing some school districts identified for improvement to be direct providers of tutoring services, bringing some additional clarity to federal administration, and allowing a limited number of states to experiment with different types of growth models to measure adequate yearly progress. We are pleased ED has taken these actions and urge the Department's leaders to follow through on all these changes.

We also recommend that the federal government take the following actions immediately to improve the administration and funding of NCLB. Although legislative changes are also needed, we have not recommended changes to the law this year since Congress has not begun the process of reauthorizing the Act.

1. ***Transparency in state accountability.*** The Department should provide more information to the public about the process for considering state changes to their accountability plans. As discussed in chapter 3, the negotiations between the federal government and the states about these changes are not an open process, and the criteria for determining which requests are granted are not transparent. Greater transparency will help

ensure that changes are made for valid testing or educational reasons and not just to help more schools make AYP. We also recommend that ED make public the criteria it is using to review state assessment systems.

2. ***Monitoring effects of flexibility on AYP.*** The Department should monitor and report on how confidence intervals, the safe harbor provision, and similar flexibility provisions are affecting the number of schools and districts making AYP. As explained in chapter 3, some schools or subgroups could make AYP with only very small improvements from the previous year, especially if safe harbor is used in conjunction with a confidence interval. Information about the impact of these provisions will help policymakers and educators determine whether the proper balance of flexibility and accountability has been achieved and whether schools are truly on track to meet the goal of 100% proficiency by 2014.
3. ***Guidance and support for modified standards and assessments.*** The Department of Education ought to move swiftly to fully implement the rule for assessing certain students with disabilities, the so-called “gap children,” using modified standards. This policy change was announced last year, and ED has allowed districts some flexibility this year in counting test scores from these students, but the final rules have not been published. Moreover, many states cannot implement this policy because they don’t have the necessary assessments. So it is equally important for ED to provide states with technical assistance and funding to help them develop modified standards and assessments for students with disabilities. States need similar support to help them develop tests of content knowledge in native languages for English language learners.
4. ***Adequate funding for NCLB.*** The President and the Congress must provide adequate funding for the Act. Both of these branches of government moved in exactly in the wrong direction last year by approving a cut in federal education spending. This year, the President has aggravated the problem by requesting further budget cuts in education just as the demands of NCLB are increasing. In the long run, this is a counterproductive policy that will aggravate criticisms of the Act.
5. ***Support for school improvement.*** The Department and the Congress should earmark more funding and provide other types of support to help strengthen states’ and districts’ capacity to assist schools identified for improvement. Many states and districts lack sufficient funds, staff, or expertise to help improve all identified schools. The President’s fiscal year 2007 budget recommends a separate appropriation for school improvement assistance, in addition to what states must reserve for this purpose from Title I, Part A. But as explained in chapter 1, the Title I-A reservation has not worked as intended, and funds have fallen short of the required reservation in many states. Because of these problems, the Title I-A school improvement reservation is likely to yield far less funding for this purpose next year than the President’s budget estimates, so this funding must be boosted and the problem with the reservation fixed.
6. ***Authority to oversee supplemental service providers.*** The Department and the Congress should give states and school districts sufficient resources and authority to successfully oversee supplemental educational service providers and evaluate their effectiveness in raising student achievement. CEP made a similar recommendation last year, and the need is as great today as it was then. Current federal regulations unduly restrict the ability of school districts to establish rules for supplemental service providers. Yet school districts are ultimately responsible for allocating funds to providers and raising the achievement of the students who receive tutoring services.

7. ***Expanded supplemental service pilot program.*** The Secretary of Education should use her waiver authority to expand the pilot program that allows some districts to offer supplemental educational services instead of school choice in the first year of improvement and to wait until the second year of improvement to offer choice. Since supplemental services are reaching a higher percentage of all eligible students than choice, reversing these steps would provide more students with expanded educational options in year 1 of improvement. ED could use evidence from this year's pilots to guide implementation of additional pilots.
8. ***Attention to other subjects.*** The Secretary of Education should use her bully pulpit to signal that social studies, science, the arts, and other subjects beside reading and math are still a vital part of a balanced curriculum. The Department should publicize effective practices being used by school districts to enhance instruction in tested subjects without cutting time for other important subjects.

